

**Karner Blue HCP
Implementation Oversight Committee Meeting**

October 13, 2004

9:00 a.m. - 2:30 p.m.

Portage County Annex - Stevens Point

MINUTES

Attending: Matt Krumenauer, Gary Birch, Steve Richter, Jim Zahasky, Joel Aanensen, Lori Bowman, Dave Lentz.

1. Anti-Trust Statement was given by Dave Lentz

2. Select new IOC Chair

Dave Lentz nominated Matt Krumenauer, who accepted the nomination. Matt was unanimously approved as the new chair. Matt's 2-year term as IOC representative for the utility group has just started, so he can serve as chair for the next two years.

3. Approve 2-17-04 IOC minutes: Minutes were unanimously approved.

Approve 4-14-04 IOC minutes: Minutes were unanimously approved.

Approve 8-11-04 IOC minutes: Minutes were unanimously approved.

4. Review previous action items (Incomplete actions from April & August meetings).

Current meeting responses to action items are indented and in brown font.

Action Items from IOC Meeting April 14, 2004

- **Update on 4/12/04 HCP 6-month Review meeting with FWS**

Dave handed out a draft of minutes from 6-mo Review Meeting. He discussed the agenda items with IOC members.

Agenda item #1: Review of Voluntary Participation Plan in HCP - Proactive Voluntary Category

In light of Sand County Foundation's concerns, there is a need to clarify landowners covered, and discuss regulatory options to secure long term assurances for this land owner group. Meeting attendees worked to create process steps and deadlines for drafting an amendment to HCP which will include a simplified Safe Harbor type agreement for voluntary conservation participants which will include perpetual take for areas where habitat was enhanced or created. Documentation will be required and administered by NPOs/conservation organizations who assist landowners with restoration/preservation work such as Sand County Foundation.

Jim Zahasky asked why this is of interest to partners if only voluntary participants are involved. Dave explained that support of the IOC (partners) is necessary because this will be an amendment made to the HCP. It will be a large step in removing the inherent

fear private landowners have of being regulated. Partners in fact participate in the voluntary strategy through outreach and education. It would also be a "feather in our cap" for the HCP - great timing and would certainly be an incentive for landowners to contribute to the efforts of partners.

Rob Kudik suggested that even if we have an amendment, the HCP could receive bad press if someone decides to change their land down the road (take). Without safe harbor, what kind of assurance do landowners have in regards to state listed species or species which might be listed in the future? Dave noted that that is a valid question and an issue that will need to be brought up with the service.

Current Status: Ball is in FWS' court.

Agenda item #3: Clarifications vs. Minor Amendments

Finalize document reviewed at 11-6-03 meeting. Application example:

- Does taking of non-lupine nectaring areas outside of flight season constitute incidental take?
- Permanent Take of nectar areas has application. (proposal attached)

Cathy and Dave have discussed this issue as it applies to new partner Onyx-Seven Mile Landfill. The determination thus far is that only PERMANENT take of nectar areas would require mitigation. Nectar areas would not be included in temporary/incidental take and would not require mitigation acres.

Action: Dave will send out additional information on this issue to IOC members.

Cathy wants it to apply to any permanent take. Dave feels the ramifications are open-ended requirements for mitigation.

Gary: dispersal could expand to 1-mile radius.

Jim: Incentive to improve shifting mosaic could be removed by requiring the nectar buffer around proactive restoration. This defeats the incentive to do proactive. May apply best (only) to one-time permanent takes.

Matt: CAN'T HAVE ONE SIZE FITS ALL.

Gary said the variable dispersal distance is ambiguous making it difficult to administer.

Need flexibility defining what area is "habitat". The Recovery team is defining a new precedent for habitat. HCP says habitat is occupied lupine. The recovery definition is for recovery. E.g. if a permanent take is not on a recovery site or an integral component of a recovery metapopulation.

Action Items from IOC Meeting August 11, 2004

4/14/04 Agenda Item #13: ATC Lands Included Issued

ATC took over some land from other utility partners, but those transfers were not well represented until Matt Krumenauer (ATC) supplied maps showing these land transfers.

To better track lands included, Cathy Carnes asked if individual partners who transferred lands supply updated maps to attach amend their SHCA appendix A's. Could partners themselves supply sum total of "lands included" instead of Scott Bernstein (data manager) totaling each year?

Action Dave: Discuss with IOC on 4/14/04.

IOC members suggested that this would not be too difficult to do. Jim Zahasky brought up the fact that this will not show how much potential habitat, only how many acres of land covered under HCP.

Dave reiterated the need to further develop DNR's HCP Lands database to help keep track of how much TRUE potential habitat is included in the HCP, not just how much partner-owned land.

ACTION DAVE: Send out a letter to partners and ask them for updated lands included data. Build this into the annual report.

NOT DONE – DNR Waiting for staff replacements.

4/14/04 Agenda Item #7. Weaver-Boos Utility Corridor Guideline

Utility partners have been using Weaver/Boos Guidelines for management, but there is not an electronic copy available. Must be determined if Weaver/Boos guidelines will apply for new utility partners or if an amendment to HCP needs to be drafted. If Weaver-Boos applies, there is a need to reproduce guideline electronically for future use. Also, is this document proprietary to partners who paid the consultant to produce the report? Is the property of the consultant?

Gary noted that this could cost a good amount of money to gain rights to this publication. We will have to answer the questions above. Dave suggested if rights needed to be purchased because the information can't be produced otherwise, that it would be possible to use some of the fees coming in from new partners.

Action: Since corridors were not represented today, Dave will contact some of the original corridor HCP team members get answers to the questions above.

Matt K. said the document is bought and paid for and W-B holds no copyright.

ACTION: Matt will scan and convert the document for use as a guideline for all corridor managers.

New ACTION: ATC formatting document: Will be available in November for distribution and posting on web.

4/14/04 Agenda Item #9. Loss of experience/ institutional knowledge of HCP development and purpose

Dave is concerned about direction of the IOC. Attendance is starting to decline at both IOC and HCP Team meetings. There were 6 or 7 partners with no representation at the winter meeting. Dave suggested IOC meetings be held quarterly instead of bi-monthly, dealing with smaller interim issues via e-mail. This should allow for increased participation by IOC members as well as advance notice of issues to consider for meetings. IOC members present agreed that this was a good idea.

Jim suggested using audits and application process to make sure new partners understand their responsibilities to participate. Dave noted that with increased retirements and people moving on to other jobs, the HCP team composition is quickly shifting towards folks that were not involved in the HCP development process. They may not fully understand the significance of this HCP. Dave is concerned that there may be a shift to less involvement and more partners simply doing what is required of them and little more. The original partner representatives sat at the development table every month for 5 years. Because of this investment, they have always felt they needed to give more for the HCP to be a success. He noted that it is "easy to be marginal, more difficult to be great" and we need to encourage participation. Hopefully the summer field trip will help with this and showcase cooperation b/w partners.

Meanwhile, we need IOC leadership to help encourage this participation. Moving to quarterly meetings might help to increase participation. Jim Zahasky asked about requirements for attendance/alternates at IOC meetings. Dave reviewed what the HCP says and stressed that some partner entities may simply too busy to participate in bi-monthly meetings. This is actually a matter of priorities. Jim suggests a meeting reminder a week before meetings. Gary suggests this could be duty of IOC chair to sent out notice, determine who will be attending for each partner group, and ask for additional agenda items. Dave noted that forewarning of attendance can also affect meeting location (i.e. if all who are attending are from Madison, meeting in Stevens Point would not make sense).

ACTION IOC: Implement new quarterly meeting schedule beginning with August meeting.

ACTION: Due to a lack of a quorum 8/11/04 we decided to carry over this item until the October IOC meeting. It warrants additional discussion with the whole IOC.

Decision: Quarterly meetings with email information and approvals were unanimously approved.

- **Committee Membership Business**

- Nomination of new IOC representative candidates (approval by current IOC).
- Amendment/clarification of chair selection process.
- Select new IOC chair.

Since a quorum was not present, these items could not be officially concluded. They will be carried over to the October IOC meeting.

Action: Dave & Gary : Talk to absentees about their obligation to get a substitute, even if their entities alternate can not attend.

Jim: Suggested we each encourage our alternates to attend October meeting.

Action: Gary will talk to others.

Matt: IOC chair will be responsible to assure.

Chair (Matt Krumenauer) was selected at beginning of 10-13-04 meeting.

- **Inclusion Issues**

- Inclusion Updates: New partner candidates and progress. Approvals.

IOC approval of new partner candidates still pending completion of SHCA. If all current applicants are successful, there could be 45 partners by the end of the 2004.

- Fee banker? NF&WF? Still not done.
Action: Dave to contact NF&WF and Natural Resources Foundation to see if they would act as banker for new partner entry fees.

Matt: Rita Hayen has talked to Charlie Luthen (NRFoundation) about banking t-shirt money.

IOC will decide how to spend funds collected.

Action: Dave will discuss with Rita.

- **Mitigation Plans for Permanent Take**
 - Swiss, Waupaca Co. Hwy., Foster, ACEC
Dave gave updates on the status of mitigation plans for requested permanent take projects. A standard mitigation process is being developed, which will streamline future permanent take requests.
Town of Swiss approved.
Waupaca Co. Hwy. approved.
Town of Foster avoided take to complete critical part of project. Waiting for Dave L. to complete salvage.
Adams-Columbia Electric: No action.
- **Monitoring Improvement status: Design forestry EM experiments (recommend Cynthia Lane) Partner match funding.**
Dave suggested Dr. Cynthia Lane might be interested in helping develop effectiveness monitoring study plans. This will require additional discussion among forestry partners.
Action: Dave will discuss with Joel Aanensen to explore the opportunities.
Following NCTC course in Monitoring and Adaptive Management, Dave and Cathy feel they can guide MIT to better define the objectives of monitoring and design the studies for effectiveness monitoring.

Jim said the MIT would have to roll out the results of the new monitoring strategy to partners. He suggested that this be done in smaller groups, i.e. county forests in one meeting, utility folks at another, etc. Then in advance of the winter HCP meeting, partners will have a good understanding of the new monitoring proposal and can make a more informed and involved decision in the direction we take.

Matt thought partners might be concerned about the potential for their monitoring workload to increase. Dave said this would not be the case. It will be no more, and for some much less, and in time it will be less for all except those assisting the federal recovery process.

Action: Dave to inform partners that monitoring workloads will be no more, and in time less.

NOT DONE

- NCTC: next level: need BioTeam? (MIT to be standing team not a project?)
Dave and Cathy Carnes attended a course in Adaptive Management and Monitoring at the National Conservation Training Center. It was very instrumental in defining objectives of monitoring for the next steps the monitoring improvement team takes.

Steve asked for a clarification on what monitoring will be like; resources needed?
Dave explained....

Monitoring Improvement Team will take next steps (next MIT meeting is 11/10/04)

- **Predictive Modeling for lupine - GM/KBB connection:**

Dave shared information about some lupine predictive modeling being done by Ted Sickley and UW-Madison. This is being done to screen out areas unlikely to have lupine to facilitate Gypsy Moth program spraying. Recently, Ted contacted Dr. Kevin Rice who is doing IKONOS satellite image correlation's to lupine blooms. Together these 2 projects may be more useful than apart. Also, the work that Rich Sternkopf (WE Energies) is doing in the same vein may also contribute to the value and credibility of a predictive tool.

Dave suggested that these projects might be very interesting to many partners and the IOC should consider putting this on the agenda for the HCP winter meeting.

Continued funding of the model by USFS denied. Project (modeling) currently on hold seeking funding.

[END ACTION ITEM REVIEW]

5. IOC BIG PICTURE PLAN → HCP PERMIT YEARS 6-8 (Sept 2004 - Sept 2007)

(Reference HCP Strategic Planning – in Draft) - Review issue brief, discuss, adjust, plan action.

Most agreed it would be a shame not to get more (and contribute more) from this effort than just a permit and conservation. The program is unique and successful. We still need to accomplish the short term improvements, i.e. monitoring improvement, permit amendments, etc. If the efforts of the HCP are taken into account, the USFWS should be able to delist/downlist KBB in WI as a success story due to the work partners who signed on to the HCP. As a case study, this HCP makes a strong case for dual listing of distinct populations. Some partners do focus their involvement on short-term issues, while others have an interest in being involved in the big picture. The IOC needs to give leadership and guidance to both.

Some items we will focus on:

- Sand County Foundation working with private landowners needs to be recognized
- Modified Safe Harbor approach needs to be approved and implemented.
- Monitoring program improvements need to be completed and implemented for the 2005 field season.
- Reconvene the Communications Committee this winter to frame up a big picture strategy for the IOC. (Some partners that would like to be included: Lorin Hicks (Plum Creek), Gary Donovan (International Paper).
Action Dave: Schedule Communication Committee meeting. Ask partners who would like to participate.

6. IOC Issue Brief Process and format.

In order to make the most effective use of limited time at meetings, many issues will need to be prepared for discussion and other issues will be dealt with outside meetings by necessity.

Suggested Process for E-business:

- Email for quick decisions. Keep requests brief. Set a short deadline. (Start with 1-week deadline)
- Conference calls for items needing discussion to clarify or gather more information.
- If unresolved, put on agenda for next face-to-face IOC meeting.

Action Dave: Log E-decisions, and send quarterly updates on E-decisions along with agendas for the quarterly meetings.

Action Dave: Ask DNR Legal Services (Jimmy C.) if E-meetings require public notice.

7. Plan Winter 2005 HCP Team meeting.
February 16, 2005 was chosen for the HCP Team (all partners') meeting. Unveiling the new monitoring strategy will be the most significant agenda topic. Adequate time needs to be available to assure everyone understands the new strategy.

A draft agenda was outlined for the Feb. 16, 2005 HCP Team meeting.

8. Inclusions: New Partner Candidate Approvals
 - Waupaca County Highway Dept. became the most recent HCP Partner. Their Certificate of Inclusion was issued October 5, 2004.
 - Town of Foster (Clark County) Application still in process.
9. Re-schedule IOC meeting on a quarterly format (per 4-14-04 IOC meeting).

New Quarterly IOC meeting schedule:

February 15th 6:30-8:30p.m.

May 11, 2005

August 10, 2005 (invite new reps)

November 9, 2005

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